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FEDERAL ELECTION  
COMMISSION

2009 OCT 14 PM 5:03

OFFICE OF GENERAL  
COUNSEL

**BEFORE THE FEDERAL ELECTION COMMISSION**

In re

GREG BALL, and  
BALL4NY,

**COMPLAINT**

Respondents.

MUR # 6218

Complainant Gary M. Levine, residing at  
, Poughkeepsie, NY 12603, a natural person, hereby  
submits this Complaint to the Federal Election Commission  
pursuant to 2 U.S.C. § 437g(a)(1).

The facts show that Greg Ball, in a matter of just a few  
months, has repeatedly violated several core provisions of the  
federal campaign finance laws - illegally soliciting "soft  
money," converting assets from his soft-money-funded Assembly  
campaign to his Congressional campaign, and having automated  
phone calls sent on his behalf without saying who paid for  
them.

In support, Complainant alleges as follows:

**FACTUAL AND LEGAL ANALYSIS**

1. Respondent Greg Ball ("Ball") is a candidate for  
United States House of Representatives in New York's 19th  
District.
2. The Federal Election Campaign Act and the Bipartisan  
Campaign Reform Act ban House candidates from raising "soft

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money" - funds outside the source restrictions and contribution limits of federal campaign finance law. See 2 U.S.C. § 441i(e).

3. A House candidate, his campaign and their agents may not solicit or receive contributions from persons in excess of \$2,400 per election, or from political action committees in excess of \$5,000 per election. See 2 U.S.C. §§ 441a(a)(1)(A), 441a(a)(2)(A), 441i(e)(1)(A).

4. A House candidate, his campaign and their agents may not accept corporate contributions. See 2 U.S.C. §§ 441b(a), 441i(e)(1)(A). Corporations are prohibited from making expenditures in connection with federal elections. 2 U.S.C. § 441b(a).

5. A contribution includes anything of value, including in-kind contributions. See 2 U.S.C. § 431(8)(A)(i); 11 C.F.R. § 100.52(d).

6. The contribution limits and source restrictions of federal law apply even when a candidate is simply "testing the waters" to decide whether to run. See 11 C.F.R. § 100.131(a).

7. Ball, his campaign and their agents have engaged in a blatant pattern of raising illegal soft money.

***Soliciting Illegal Corporate Contributions for a Fundraising Auction***

8. On or about June 5, 2009, Ball's so-called "Congressional Exploratory Committee" held a Golf Outing at

Hudson Hills Golf Course and Murphy's Restaurant. See Exhibit A.

9. The outing included a "silent auction." See Exhibit A.

10. On or about May 1, 2009, Jacqueline Ambrosino, a Ball representative, sent an email to a distribution list soliciting donations for the silent auctions. See Exhibit A. "We are looking for tickets to sporting events, televisions, gift certificates to restaurants and services (such as legal and accounting services), foursomes for other golf courses, trips, plane tickets, spa gift certificates, televisions, just to name a few ..." Exhibit A.

11. The May 1, 2009, email expressly asked for corporate contributions: "You can reach out to your network and try to get donations from both businesses and people." Exhibit A (emphasis supplied). "When working with a business, you can emphasize the foot traffic that will be generated by having their name featured at our event and in a brochure to be handed out to everyone that attends." Exhibit A (emphasis supplied).

***Accepting Corporate Sponsorships and Seeking Excessive Contributions for an Outdoor Fundraising Event***

12. On or about July 25, 2009, Ball's campaign sponsored a "Rockin' Rib Fest & Battle of the Bands." Exhibit B.

13. The July 25, 2009, event was "sponsored" by the New York State Rifle & Pistol Association and the National Rifle

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Association. Exhibit B. On information and belief, both entities are corporations.

14. The Ball campaign sought additional "sponsorships" in connection with the July 25, 2009, event, including a "VIP Congressional Tent Sponsorship" priced at \$2,900 - \$500 in excess of the federal contribution limit. Exhibit B. Other Ball event solicitations have shown similar indifference to the \$2,400 limit. See, e.g.,

<http://www.ballforcongress.com/eventDetail.aspx?eventID=2650>

(Exhibit C) (asking for \$2,500 and \$4,800 contributions, without regard to the per-election limit).

***Accepting Illegal Soft Money Transfers from Ball's Assembly Committee***

15. Federal law prohibits federal candidates from transferring funds or assets to their federal campaigns from their nonfederal campaign committees. See 11 C.F.R. § 110.3(d).

16. Federal law prohibits federal candidates from transferring or spending nonfederal funds in connection with federal elections. See 2 U.S.C. § 441i(e).

17. Ball's federal campaign has made and is making repeated use of photos, videos and other assets from his nonfederal campaign and/or his official New York Assembly office. See, e.g., <http://www.ballforcongress.com/multimedia.aspx>; (Exhibit D). Ball's filings to date with the Federal Election Commission

show no payment to his Assembly campaign, nor to the State of New York, for the use of these photos.

***Voicing Illegal Robocalls***

18. Federal law requires general public political advertisements paid for by third parties and authorized by candidates to contain a statement disclosing the identity of the payors, and that they had been authorized by the candidates. See 2 U.S.C. § 441d(a)(2).

19. Ball's July 15 Quarterly Report discloses an in-kind contribution made on June 29, 2009, by Brian Callaghan in the form of "Automated Calls." Exhibit E.

20. On or about June 29, 2009, an automated call featuring Ball was distributed to voters in the 19th Congressional District. The call contained no statement indicating who had paid for the call, or whether Ball had authorized it. See Exhibit F.

**COUNT ONE**

21. Complainant realleges and incorporates by reference paragraphs 1 through 20, above.

22. As set forth above, Ball, while a candidate, did personally and/or through the conduct of his agents and/or others acting at his direction and on his behalf, purposely solicit and receive "soft money," in violation of 2 U.S.C. §§ 441a, 441b and 441i(e).

**COUNT TWO**

23. Complainant realleges and incorporates by reference paragraphs 1 through 22 above.

24. As set forth above, Ball, while a candidate, did personally and/or through the conduct of his agents and/or others acting at his direction and on his behalf, purposely transfer assets from his nonfederal campaign to his federal campaign and spend nonfederal funds in connection with his federal election, in violation of 2 U.S.C. § 441i(e) and 11 C.F.R. § 110.3(d).

**COUNT THREE**

25. Complainant realleges and incorporates by reference paragraphs 1 through 24 above.

26. As set forth above, Ball, while a candidate, did personally and/or through the conduct of his agents and/or others acting at his direction and on his behalf, cause advertisements to be distributed on behalf of his principal campaign committee without disclosing who had paid for them, or that he had authorized them, in violation of 2 U.S.C. § 441d.

**PRAYER FOR RELIEF**

WHEREFORE, Complainant respectfully requests that the Commission:

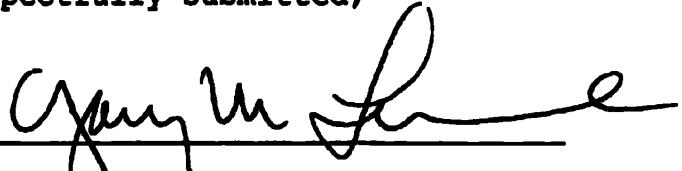
A. Find reason to believe that Ball violated the Federal Election Campaign Act of 1971, as amended, and the Bipartisan Campaign Reform Act.

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B. Seek the highest civil penalties allowed by law, and an injunction to prevent further violation.

C. Take such other and further action as the Commission deems just and reasonable, or as the law may require.


Respectfully submitted,

  
\_\_\_\_\_  
Gary M. Levine

STATE OF New York )

County of Dutchess )

SUBSCRIBED AND SWORN to before me this 1st day of  
October, 2009.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

SUSAN S. HTOO  
Notary Public, State Of New York  
No. 02HT4861200  
Qualified in Dutchess County  
Commission Expires May 12, 2010

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**Hello!**

**Greg Ball's 4th Annual Golf Outing will be taking place on June 5th, 2009 at Hudson Hills Golf Course and Murphy's Restaurant. You can view all the details at [www.gballevents.com](http://www.gballevents.com). For this big event we need help pulling in donated items for the silent auction that will be going on throughout the day.**

**To accomplish this task, I will be organizing a Silent Auction Committee that will meet a few times prior to the golf outing. Please let me know if you will be able to help by calling me at \_\_\_\_\_ or e-mailing me at \_\_\_\_\_**

**We are looking for tickets to sporting events, televisions, gift certificates to restaurants and services (such as legal and accounting services), foursomes for other golf courses, trips, plane tickets, spa gift certificates, televisions, just to name just a few....**

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*You can reach out to your network and try to get donations from both businesses and people. Many people have saved up points on their credit cards that can be redeemed for many items that we could auction off. When working with a business, you can emphasize the foot traffic that will be generated by having their name featured at our event and in a brochure to be handed out to everyone that attends.*

*Thank you and I look forward to working with you!*

*Regards,*

*Jacqui Ambrosino*


*Ball4NY Congressional Exploratory Committee 2010*

*[www.supportgreg.com](http://www.supportgreg.com)*


*[www.gballovents.com](http://www.gballovents.com)*

*P.S. To unsubscribe, please reply to [list@ball4ny.com](mailto:list@ball4ny.com) with the words 'unsubscribe list' in the body of the e-mail.*

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**SATURDAY, JULY 25<sup>TH</sup>**  
**Assemblyman Greg Ball's**



# Rockin' Rib Fest & Battle of the Bands

**EVENT CHAIRS & HONORARY BBQ JUDGES**  
State Senator Vincent Lombardi    County Legislator George Bros  
Sheriff Dutch Anderson    County Legislator Don Birmingham  
Sheriff Donald Smith    County Legislator Tony Fusco  
State Assemblyman Greg Ball    Councilman Joseph Capone

**WHO:** Assemblyman Greg Ball Congressional Campaign Committee

**WHEN:** **SATURDAY, JULY 25<sup>TH</sup>** (RAIN DATE: AUGUST 1<sup>ST</sup>)  
**12:00 (NOON) - 7:00 P.M.**

**WHERE:** The North Ridge Farm located at 683 Route 311, Patterson, NY 12563

**WHAT:** BBQ restaurants and individuals will compete for the best ribs in the Hudson Valley and elected officials will judge!

**ADMISSION:** Passes to VIP Congressional Tent \$75 (per person)  
Sponsored by the NY State Office of General Services. Join your local and state elected officials with all your family and friends and get the best of both worlds in the VIP tent.  
Regular Admission (at the gate) \$10 (per person) \$20 (per car load)  
includes ground admission and no parking needed.

**Enjoy a Day of Games and Fun with the Whole Family**

**○ BBQ COMPETITION ○ SPONSORED BY THE NRA**  
**○ VENDORS ○ BEAUTIFUL 300 ACRE HORSE FARM**

**Assemblyman Greg Ball's  
Rockin' Rib Fest & Battle of the Bands  
Sponsorship Opportunities**

**Saturday, July 25th  
12 p.m. Noon - 7p.m.  
North Ridge Farm  
683 Route 311, Patterson, NY 12563**

**Thank you for your support of Assemblyman Greg Ball's 4th Annual Rockin' Rib Fest & Battle of the Bands. We have a great day lined up with local BBQ restaurants and individuals competing for the best ribs in the Hudson Valley and local elected officials will judge! Join hundreds of your rib lovin' neighbors for this great day of music, games and fun!**

**Rod & Gun Club Sponsorship: \$695**

**10 tickets to the VIP Congressional Tent (all you can eat and drink) and a reserved table (guaranteed seating) where you can proudly display your club's signage and information.**

**"Make My Day" Sponsorship: \$1295**

**20 tickets to the VIP Congressional Tent (all you can eat and drink) and a reserved table with guaranteed PREFERRED seating where you can proudly display your club's signage and information.**

**VIP Congressional Tent Sponsorship: \$2900**

**Includes, tent signage, PREMIER table location where you can proudly display your club's signage and information, and 20 VIP Congressional Tent tickets (all you can eat and drink).**

**Individual VIP Congressional Tent Ticket: \$75**

**One VIP Congressional Tent ticket includes general seating and all you can eat and drink.**

**Contact Joanna Puchalski**

**for more details  
or to purchase your sponsorship.**

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Contact

## Evening With Ari Fielscher

Wednesday, September 30, 2009 from 6:00 PM - 9:00 PM (ET)

Ossining, NY

Email Facebook Twitter LinkedIn MySpace Digg del.icio.us Reddit

### Ticket Information

TICKET TYPE	SALES END	PRICE	FEE	QUANTITY
VIP Private Cocktail Hour \$225 Per Person (Inc. dinner)	23h 52m	\$225.00	\$6.62	<input type="text" value="0"/>
VIP Private Cocktail Hour \$375 per Couple (Inc. dinner)	23h 52m	\$375.00	\$9.95	<input type="text" value="0"/>
Dinner Only \$110 Per Person	23h 52m	\$110.00	\$3.74	<input type="text" value="0"/>
Dinner Only \$200 per Couple	23h 52m	\$200.00	\$5.99	<input type="text" value="0"/>
Victory Sponsor (2 tickets for VIP & Dinner)	23h 52m	\$500.00	\$9.95	<input type="text" value="0"/>
Cocktail Sponsor (4 tickets for VIP & Dinner)	23h 52m	\$1,000.00	\$9.95	<input type="text" value="0"/>
Dinner Table Sponsor (2 VIP & 10 Dinner tickets)	23h 52m	\$1,500.00	\$9.95	<input type="text" value="0"/>
Dinner Sponsor (call for details)	23h 52m	\$2,500.00	\$9.95	<input type="text" value="0"/>
Event Sponsor (call for details)	23h 52m	\$4,800.00	\$9.95	<input type="text" value="0"/>



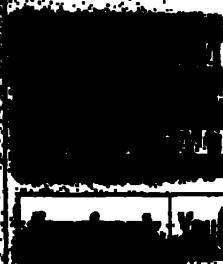
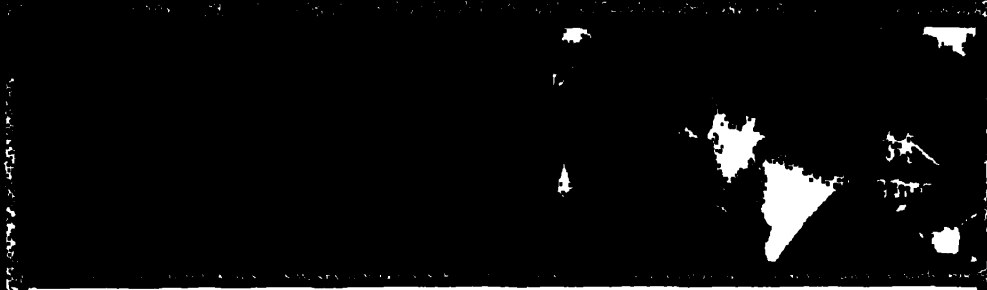
### Event Details

*You Are Cordially Invited For An Evening With*

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# BALL

SignUp -



**MULTIMEDIA**  
VIDEO & AUDIO



Newsmakers Greg Ball vs. John Dagnan Pt. 2



Newsmakers Greg Ball vs. John Dagnan Pt. 1



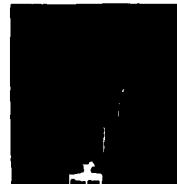
Stop sexual predators



Smear campaign



The tax cap



North County News Debate Pt. 8



North County News Debate Pt. 8



North County News Debate Pt. 7



North County News Debate Pt. 6



North County News Debate Pt. 5



North County News Debate Pt. 4



North County News Debate Pt. 3

Ball presents grand  
P.A.R.C. Cabletho

Sabato's 'Crystal  
part of "GOP Revi

Feds have failed to  
'Unfair' housing s  
approved in West

Ball: State deals v  
'nute'

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North County News Debate PL 2



North County News Debate PL 1



Reforming Albany



You can't have it both ways



Illegal driver's license hearing



2008 campaign kickoff



Greg Ball walks through Brewster



Veterans tuition bill



Save our seniors



23,000 full drivers licenses issued to temporary residents



'Tax Cap Express' calls for school property tax limit



Assemblyman Greg Ball's Victory Speech



Support Greg 2008



Assemblyman Ball on Nell Corvato



Gun Control Debate



Greg Ball Debate



Greg Ball Gun Debate June 12th

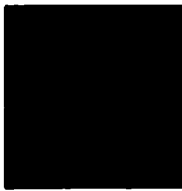


Greg Ball Illegal Immigration Rally

A REPUTATION  
WHO CAN  
\$1  
for  
NY.



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Greg Ball Hearing



Ball Stands Up To Oliver!



*The Fifth Game*  
PWR with Faith Radio  
**LISTEN NOW...**



**ASSEMBLY OPEN DOOR  
WITH  
GREG BALL**  
**LISTEN NOW**



**COMBAT VETERANS  
TUITION ANNOUNCEMENT**



10044273004



North County News Debate Pt. 2



North County News Debate Pt. 1



Reforming Albany



You can't have it both ways



Illegal driver's license hearing



2008 campaign kickoff



Greg Ball walks through Brewster



Veterans tuition bill



Save our seniors



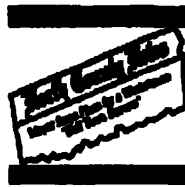
23,000 full drivers licenses issued to temporary residents!



'Tax Cap Express' calls for school property tax limit



Assemblyman Greg Ball's Victory Speech



Support Greg 2008



Assemblyman Ball on Ball Cavuto



Gun Control Debate



Greg Ball Debate



Greg Ball Gun Debate June 12th



Greg Ball Illegal Immigration Rally

A REPUBLICAN  
WHO CAN

\$1

for

NY.





10044273005



Greg Ball Hearing



Ball Stands Up To Silver



*The Fifth Game*  
Pete with Pete Ball  
**LISTEN NOW**

**ASSEMBLY OPEN DOOR  
WITH  
GREG BALL  
LISTEN NOW**



**COMBAT VETERANS  
TUITION ANNOUNCEMENT**



**SCHEDULE B (FEC Form 3)  
ITEMIZED DISBURSEMENTS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER:  
(check only one)

PAGE 114 / 122

<input checked="" type="checkbox"/> 17	<input type="checkbox"/> 18	<input type="checkbox"/> 19a	<input type="checkbox"/> 19b
20a	20b	20c	21

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NAME OF COMMITTEE (In Full)

Ba4NY

A.

Full Name (Last, First, Middle Initial)

Kathy Becker

Transaction ID: BC455CBA835034B88911

Date of Disbursement

06 / 30 / 2009

Mailing Address 21 Links Court

City  
MonroeState  
NYZip Code  
10850-5850

Amount of Each Disbursement this Period

2000.00

Purpose of Disbursement  
In-kind/Event Expense

Candidate Name

Category/  
TypeOffice Sought: House  
Senate  
PresidentDisbursement For: Primary General  
Other (specify) ▼

State: District:

B.

Full Name (Last, First, Middle Initial)

Carla Bracca

Transaction ID: BF08F7765E2914120BAE

Date of Disbursement

05 / 01 / 2009

Mailing Address 3 Bridge Ln

City  
Yorktown HtsState  
NYZip Code  
10598-8511

Amount of Each Disbursement this Period

298.00

Purpose of Disbursement  
In-kind/Event Expense

Candidate Name

Category/  
TypeOffice Sought: House  
Senate  
PresidentDisbursement For: Primary General  
Other (specify) ▼

State: District:

C.

Full Name (Last, First, Middle Initial)

Brian Callaghan

Transaction ID: BC72DCCA97C3B40C4A3C

Date of Disbursement

06 / 28 / 2009

Mailing Address 72 Maple Ave

City  
FishkillState  
NYZip Code  
12524-2213

Amount of Each Disbursement this Period

526.84

Purpose of Disbursement  
In-kind/Automated Calls

Candidate Name

Category/  
TypeOffice Sought: House  
Senate  
PresidentDisbursement For: Primary General  
Other (specify) ▼

State: District:

SUBTOTAL of Disbursements This Page (optional) ▶

2825.84

TOTAL This Period (last page this line number only) ▶